

STATE OF NEW YORK  
COUNTY OF MONROE SUPREME COURT

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JEFFREY MARS,  
MARK FURNISH,  
JOHN DOE 45,  
JOHN DOE 47,  
JOHN DOE 57,  
JOHN DOE 58,  
JOHN DOE 59, and  
JOHN DOE 60,

Plaintiffs,

-against-

THE DIOCESE OF ROCHESTER  
and ROBERT F. O'NEILL,

Defendants.

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**AMENDED  
COMPLAINT**

Index No.  
7357/02

Plaintiffs, by their attorneys, for their complaint, allege as follows:

**PARTIES**

1. Plaintiff Jeffrey Mars is an adult male who is a resident of the State of Florida. Plaintiff Mars was a minor at the time of the sexual abuse alleged herein, which occurred in approximately 1977 or 1978.
2. Plaintiff Mark Furnish is an adult male who is a resident of the State of New York. Plaintiff Furnish was a minor at the time of the sexual abuse alleged herein, which began in approximately 1983.
3. Plaintiff John Doe 45 is an adult male who is a resident of the State of Florida and whose identity has been made known to Defendants by separate cover letter. Plaintiff John Doe 45 was a minor at the time of the sexual abuse alleged herein, which occurred in approximately the

winter of 1977.

4. Plaintiff John Doe 47 is an adult male who is a resident of the State of New York and whose identity has been made known to Defendants by separate cover letter. Plaintiff John Doe 47 was a minor at the time of the sexual abuse alleged herein, which occurred in approximately the summer of 1978 or 1979.

5. Plaintiff John Doe 57 is an adult male who is a resident of the State of New York and whose identity is made known to Defendants by separate cover letter. Plaintiff John Doe 57 was a minor at the time of the sexual abuse alleged herein, which occurred in approximately the summer of 1985.

6. Plaintiff John Doe 58 is an adult male who is a resident of the State of New York and whose identity is made known to Defendants by separate cover letter. Plaintiff John Doe 58 was a minor at the time of the sexual abuse alleged herein, which occurred in approximately 1980 or 1981.

7. Plaintiff John Doe 59 is an adult male who is a resident of the State of New York and whose identity is made known to Defendants by separate cover letter. Plaintiff John Doe 59 was a minor at the time of the sexual abuse alleged herein, which occurred in approximately the summer of 1975.

8. Plaintiff John Doe 60 is an adult male who is a resident of the State of Hawaii and whose identity is made known to Defendants by separate cover letter. Plaintiff John Doe 60 was a minor at the time of the sexual abuse alleged herein, which occurred in approximately the winter of 1978.

9. At all times material to the complaint, Defendant Diocese of Rochester (hereinafter "Diocese"), was and continues to be a non-profit religious corporation, authorized to conduct

business and conducting business under the laws of the State of New York, with its principle place of business at 1150 Buffalo Road, Rochester, New York, 14624-1890.

10. At all times material to the complaint, Defendant Father Robert F. O'Neill (hereinafter "O'Neill") was a Roman Catholic priest under the direct supervision, employ and control of Defendant Diocese. Defendant O'Neill was an adult at the time of the sexual abuse alleged herein. Defendant O'Neill's conduct, as alleged hereinafter, was undertaken while in the course and scope of his employment with Defendant Diocese. Defendant O'Neill was ordained in 1962.

### **FACTS**

11. At all times material to the complaint, Defendant O'Neill was an ordained Roman Catholic priest serving at, *inter alia*, St. Boniface Church and/or St. John the Evangelist, both located in Monroe County, New York, and both located in Defendant Diocese. Defendant O'Neill's duties in these positions included providing pastoral care, counseling for Roman Catholics and providing spiritual guidance and leadership to his parishioners, including providing for the spiritual and emotional needs of, and religious instruction for, youth entrusted to his care.

12. On information and belief, Defendant Diocese moved Defendant O'Neill in an attempt to conceal the abuse by Defendant O'Neill and to induce Plaintiffs to not earlier seek legal recourse, as a result of reports, complaints and/or suspicions that he was a child abuser.

### **FACTS APPLICABLE TO JEFFREY MARS**

13. Plaintiff Mars was raised in a devout Roman Catholic family, and regularly celebrated mass, received the sacraments and participated in church-related activities. Plaintiff Mars, therefore, developed great admiration, trust, reverence and respect for the Roman Catholic Church and its agents.

14. Plaintiff Mars came to know Defendant O'Neill as his priest, counselor and spiritual adviser through Defendant O'Neill's employment with Defendant Diocese. Plaintiff Mars came to know, admire, trust, revere, and respect Defendant O'Neill as a person of great influence and persuasion as a holy man and authority figure. Defendant O'Neill would often take a small group of boys up to his cottage house to stay over.

15. In approximately 1977 or 1978, when Plaintiff Mars was approximately 14 years old, Defendant O'Neill, using his position of authority, trust, reverence, and control as a Roman Catholic priest, engaged in unpermitted and harmful sexual contact upon the person of Plaintiff Mars during an overnight outing organized by Defendant O'Neill. Prior to the abuse, Defendant O'Neill befriended Plaintiff Mars, acting in a caring, loving and friendly manner toward him. After the abuse and after Plaintiff Mars refused to attend any more overnights with Defendant O'Neill, he ignored and ostracized Plaintiff Mars.

16. In approximately March or April of 2002 Plaintiff Mars reported his abuse to Defendant Diocese. By that time, on information and belief, one or more victims of O'Neill had come forward and made a similar report of abuse by O'Neill to Defendant Diocese. However, when Plaintiff Mars asked about allegations of abuse concerning O'Neill Defendant Diocese told Plaintiff Mars that he was the first person to come forward and Plaintiff Mars reasonably relied on such misrepresentation to his detriment. At the time of its misrepresentation, Defendant Diocese knew or should have known that prior allegations of abuse concerning Defendant O'Neill had been reported to it.

17. The sexual exploitation and the circumstances under which it occurred caused Plaintiff Mars to develop various psychological coping mechanisms, including self-blame, denial, repression

and disassociation from his experiences. Because of these psychological coping mechanisms, Plaintiff Mars was unable to perceive or know the existence or nature of his psychological and emotional injuries and their connection to the sexual exploitation perpetrated upon him by Defendant O'Neill. Plaintiff Mars therefore, experienced delayed discovery of his injuries and their causal relationship to the sexual exploitation, and did not know or have reason to know that he was injured or that his injuries were caused by the sexual exploitation.

18. The applicable statutes of limitations were tolled because Defendants' conduct placed Plaintiff Mars under duress. Specifically, Defendant O'Neill led Plaintiff Mars to believe that he had met a benevolent and trustworthy male, who cared about him. Defendant O'Neill's sexual advances placed Plaintiff Mars under powerful psychological duress in that these advances caused Plaintiff Mars to believe that he had to engage in the activity or lose the attention, caring and comfort that Defendant O'Neill otherwise purported to give him. Defendant O'Neill's conduct also caused Plaintiff Mars to experience great fear which in turn placed him under further duress. Additionally, Defendant O'Neill's sexual misconduct, and Defendant Diocese's concealment and/or reckless disregard of such misconduct, placed Plaintiff Mars under continuing duress in that they caused Plaintiff to believe that he had no right or reason to complain or to take legal action about it. Plaintiff Mars continued to be under this duress until Plaintiff Mars learned that another victim of O'Neill's had come forward. Plaintiff Mars' complaint is therefore timely as to each of the Defendants.

19. Defendant O'Neill's conduct as described above misrepresented and concealed material facts concerning his relationship with and motives in relating to Plaintiff Mars. In particular, Defendant O'Neill presented himself as a beneficent, caring adult male whose intention was to help Plaintiff Mars, when in fact their relationship was to be one of sexual exploitation. Further,

Defendant O'Neill acted with the intent that such conduct be acted upon by Plaintiff Mars and without knowledge of the real facts. Plaintiff Mars relied upon Defendant O'Neill's conduct, without knowledge of the real facts, to his detriment. Plaintiff Mars was, as a result, unaware that his sexual abuse by Defendant O'Neill had caused his injuries. Furthermore, Defendant O'Neill's continuing concealment of his sexual misconduct, the fear the conduct caused Plaintiff Mars and Defendant Diocese's false statements, intentional concealment and/or negligent and/or reckless failure to prevent or discover Defendant O'Neill's continuing acts of sexual misconduct, also prevented Plaintiff Mars from discovering or suing upon the wrongs done to him. Defendants are therefore equitably estopped from asserting the statute of limitations in this action.

20. As a direct result of this sexual contact, Plaintiff Mars has suffered and continues to suffer great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life, was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life, has sustained loss of earning capacity and has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling. The amount of plaintiff's damages will be fully ascertained at trial.

#### **FACTS APPLICABLE TO MARK FURNISH**

21. Plaintiff Furnish was raised in a devout Roman Catholic family and served as an altar boy, regularly celebrated mass, received the sacraments and participated in church-related activities. Plaintiff Furnish, therefore, developed great admiration, trust, reverence and respect for the Roman Catholic Church and its agents.

22. Plaintiff Furnish came to know Defendant O'Neill as his priest, counselor and spiritual

adviser through Defendant O'Neill's employment and association with Defendant Diocese. Plaintiff Furnish came to know, admire, trust, revere, and respect Defendant O'Neill as a person of great influence and persuasion as a holy man and authority figure.

23. In approximately 1983, when Plaintiff Furnish was approximately 12 years old, Defendant O'Neill, using his position of authority, trust, reverence, and control as a Roman Catholic priest, first engaged in unpermitted and harmful sexual contact upon the person of the Plaintiff Furnish during an overnight outing organized by Defendant O'Neill. Defendant O'Neill continued to abuse Plaintiff Furnish on approximately four more occasions from approximately 1983-1986. During the periods of abuse Defendant O'Neill would provide Plaintiff with alcohol. Prior to the abuse, Defendant O'Neill befriended Plaintiff Furnish, acting in a caring, loving and friendly manner toward Plaintiff Furnish.

24. After the abuse, in an effort to wrongfully conceal and induce Plaintiff Furnish not to earlier take legal action, Defendant O'Neill warned Plaintiff Furnish to not tell anyone about the abuse because it would create problems. Defendant O'Neill also warned Plaintiff Furnish that if he were to tell he would not be able to go to the cabin anymore.

25. Defendant O'Neill has maintained contact and control over Plaintiff Furnish throughout the years and has spoken with Plaintiff Furnish as recently as within the last year. Specifically, during this time Defendant O'Neill would go out to dinner with Plaintiff Furnish, send him Christmas cards and ask him to go on outings with him—Plaintiff Furnish went on one such outing with Defendant O'Neill as recently as approximately December of 1994. Defendant O'Neill would even tell Plaintiff Furnish that he had placed him in his will. However, after making this statement, Defendant O'Neill would also tell Plaintiff Furnish that people who crossed him would be

removed from his will.

26. The sexual exploitation and the circumstances under which it occurred caused Plaintiff Furnish to develop various psychological coping mechanisms, including self-blame, denial, repression and disassociation from his experiences. Because of these psychological coping mechanisms, Plaintiff Furnish was unable to perceive or know the existence or nature of his psychological and emotional injuries and their connection to the sexual exploitation perpetrated upon him by Defendant O'Neill. Plaintiff Furnish therefore, experienced delayed discovery of his injuries and their causal relationship to the sexual exploitation, and did not know or have reason to know that he was injured or that his injuries were caused by the sexual exploitation.

27. The applicable statute of limitations was tolled because Defendants' conduct placed Plaintiff Furnish under duress. Specifically, Defendant O'Neill told Plaintiff Furnish not to tell anyone about the abuse. This conduct caused Plaintiff Furnish to experience great fear, which in turn placed him under duress. Defendant O'Neill also led Plaintiff Furnish to believe that he had met a benevolent and trustworthy male, who cared about him. Defendant O'Neill's sexual advances placed Plaintiff Furnish under powerful psychological duress in that these advances caused Plaintiff to believe that he had to engage in the activity or lose the attention, caring and comfort that Defendant O'Neill otherwise purported to give him. Furthermore, Defendant O'Neill's sexual misconduct and threats, and Defendant Diocese's concealment and/or reckless disregard of such misconduct, placed Plaintiff Furnish under continuing duress in that they caused Plaintiff Furnish to believe that he had no right or reason to complain or to take legal action. Plaintiff Furnish continued to be under this duress until Plaintiff Furnish learned that another victim of Defendant O'Neill's had come forward. Plaintiff Furnish's complaint is therefore timely as to each of the Defendants.



28. Defendant O'Neill's conduct as described above misrepresented and concealed material facts concerning his relationship with and motives in relating to Plaintiff Furnish. In particular, Defendant O'Neill presented himself as a beneficent, caring adult male whose intention was to help Plaintiff Furnish, when in fact their relationship was to be one of sexual exploitation. Further, Defendant O'Neill acted with the intent that such conduct be acted upon by Plaintiff Furnish and without knowledge of the real facts. Plaintiff Furnish relied upon Defendant O'Neill's conduct, without knowledge of the real facts, to his detriment. Plaintiff Furnish was, as a result, unaware that the sexual abuse by Defendant O'Neill had caused his injuries. Furthermore, Defendant O'Neill's continuing concealment of his sexual misconduct and his threats to not tell, and Defendant Diocese's intentional concealment of and/or negligent and/or reckless failure to prevent or discover Defendant O'Neill's continuing acts of sexual misconduct, also prevented Plaintiff Furnish from discovering or suing upon the wrongs done to him. Defendants are therefore equitably estopped from asserting the statute of limitations in this action.

29. As a direct result of this sexual contact, Plaintiff Furnish has suffered and continues to suffer great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life, was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life, has sustained loss of earning capacity and may incur expenses for medical and psychological treatment, therapy and counseling. The amount of plaintiff's damages will be fully ascertained at trial.

#### **FACTS APPLICABLE TO JOHN DOE 45**

30. Plaintiff John Doe 45 was raised in a devout Roman Catholic family, and served as an

altar boy, regularly celebrated mass, received the sacraments and participated in church-related activities. Plaintiff John Doe 45, therefore, developed great admiration, trust, reverence and respect for the Roman Catholic Church and its agents.

31. Plaintiff John Doe 45 came to know Defendant O'Neill as his priest, counselor and spiritual adviser, through Defendant O'Neill's employment and association with Defendant Diocese. Plaintiff John Doe 45 came to know, admire, trust, revere, and respect Defendant O'Neill as a person of great influence and persuasion as a holy man and authority figure.

32. In approximately 1977, when Plaintiff John Doe 45 was approximately 16 years old, Defendant O'Neill, using his position of authority, trust, reverence, and control as a Roman Catholic priest, engaged in unpermitted and harmful sexual contact upon the person of the Plaintiff John Doe 45 during an overnight outing organized by Defendant O'Neill. Prior to the abuse, Defendant O'Neill befriended Plaintiff John Doe 45, acting in a caring, loving and friendly manner toward Plaintiff.

33. On or about June 2001, Plaintiff John Doe 45 reported his abuse to Defendant Diocese. On information and belief, at the time when Plaintiff made his report, one or more victims had previously come forward and made a similar report of abuse against Defendant O'Neill to Defendant Diocese. However, when Plaintiff John Doe 45 asked about allegations of abuse concerning O'Neill Defendant Diocese told Plaintiff John Doe 45 that he was the first person to come forward and Plaintiff John Doe 45 reasonably relied on such misrepresentation to his detriment. At the time of its misrepresentation, Defendant Diocese knew or should have known that prior allegations of abuse concerning Defendant O'Neill had been reported to it

34. The sexual exploitation and the circumstances under which it occurred caused Plaintiff John Doe 45 to develop various psychological coping mechanisms, including self-blame, denial,

repression and disassociation from his experiences. Because of these psychological coping mechanisms, Plaintiff John Doe 45 was unable to perceive or know the existence or nature of his psychological and emotional injuries and their connection to the sexual exploitation perpetrated upon him by Defendant O'Neill. Plaintiff John Doe 45 therefore experienced delayed discovery of his injuries and their causal relationship to the sexual exploitation, and did not know or have reason to know that he was injured or that his injuries were caused by the sexual exploitation.

35. The applicable statutes of limitations were tolled because Defendants' conduct placed Plaintiff John Doe 45 under duress. Specifically, Defendant O'Neill led Plaintiff John Doe 45 to believe that he had met a benevolent and trustworthy male, who cared about him. Defendant O'Neill's sexual advances placed Plaintiff John Doe 45 under powerful psychological duress in that these advances caused Plaintiff John Doe 45 to believe that he had to engage in the activity or lose the attention, caring and comfort that Defendant O'Neill otherwise purported to give him. Defendant O'Neill's conduct also caused Plaintiff John Doe 45 to experience great fear which in turn placed him under further duress. Additionally, Defendant O'Neill's sexual misconduct, and Defendant Diocese's concealment and/or reckless disregard of such misconduct, placed Plaintiff John Doe 45 under continuing duress in that they caused Plaintiff John Doe 45 to believe that he had no right or reason to complain or to take legal action about it. Plaintiff John Doe 45 continued to be under this duress until Plaintiff learned that another victim of O'Neill's had come forward. Plaintiff John Doe 45's complaint is therefore timely as to each of the Defendants.

36. Defendant O'Neill's conduct as described above misrepresented and concealed material facts concerning his relationship with and motives in relating to Plaintiff John Doe 45. In particular, Defendant O'Neill presented himself as a beneficent, caring adult male whose intention was

to help Plaintiff, when in fact their relationship was to be one of sexual exploitation. Further, Defendant O'Neill acted with the intent that such conduct be acted upon by Plaintiff John Doe 45 and without knowledge of the real facts. Plaintiff John Doe 45 relied upon Defendant O'Neill's conduct, without knowledge of the real facts, to his detriment. Plaintiff John Doe 45 was, as a result, unaware that his sexual abuse by Defendant O'Neill had caused his injuries. Furthermore, Defendant O'Neill's continuing concealment of his sexual misconduct, the fear the conduct caused Plaintiff John Doe 45 and Defendant Diocese's intentional concealment of and/or negligent and/or reckless failure to prevent or discover Defendant O'Neill's continuing acts of sexual misconduct, also prevented Plaintiff John Doe 45 from discovering or suing upon the wrongs done to him. Defendants are therefore equitably estopped from asserting the statute of limitations in this action.

37. As a direct result of this sexual contact, Plaintiff John Doe 45 has suffered and continues to suffer great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life, was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life, has sustained loss of earning capacity and has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling. The amount of plaintiff's damages will be fully ascertained at trial.

#### **FACTS APPLICABLE TO JOHN DOE 47**

38. Plaintiff John Doe 47 was raised in a devout Roman Catholic family and regularly celebrated mass, received the sacraments and participated in church-related activities. Plaintiff John Doe 47, therefore, developed great admiration, trust, reverence and respect for the Roman Catholic Church and its agents.

39. Plaintiff John Doe 47 came to know Defendant O'Neill as his priest, counselor and spiritual adviser through Defendant O'Neill's employment and association with Defendant Diocese. Plaintiff John Doe 47 came to know, admire, trust, revere, and respect Defendant O'Neill as a person of great influence and persuasion as a holy man and authority figure.

40. In approximately the summer of 1978 or 1979, when Plaintiff John Doe 47 was approximately 13 or 14 years old, Defendant O'Neill, using his position of authority, trust, reverence, and control as a Roman Catholic priest, engaged in unpermitted and harmful sexual contact upon the person of the Plaintiff John Doe 47 during an overnight outing organized by Defendant O'Neill. Prior to the abuse, Defendant O'Neill befriended Plaintiff John Doe 47, acting in a caring, loving and friendly manner toward Plaintiff John Doe 47.

41. After the abuse, in an effort to wrongfully conceal and induce Plaintiff John Doe 47 not to earlier take legal action, Defendant O'Neill warned Plaintiff John Doe 47 to not tell anyone about the abuse because he was a priest and a friend of Plaintiff John Doe 47's father, and Plaintiff John Doe 47 was just a child, and thus no one would believe him.

42. On or about March 2002, Plaintiff John Doe 47 reported his abuse to Defendant Diocese. On information and belief, at the time when Plaintiff John Doe 47 made his report, one or more victims had previously come forward and made a similar report of abuse against Defendant O'Neill to Defendant Diocese.

43. The sexual exploitation and the circumstances under which it occurred caused Plaintiff John Doe 47 to develop various psychological coping mechanisms, including self-blame, denial, repression and disassociation from his experiences. Because of these psychological coping mechanisms, Plaintiff John Doe 47 was unable to perceive or know the existence or nature of his

psychological and emotional injuries and their connection to the sexual exploitation perpetrated upon him by Defendant O'Neill. Plaintiff John Doe 47 therefore, experienced delayed discovery of his injuries and their causal relationship to the sexual exploitation, and did not know or have reason to know that he was injured or that his injuries were caused by the sexual exploitation.

44. The applicable statute of limitations was tolled because Defendants' conduct placed Plaintiff John Doe 47 under duress. Specifically, Defendant O'Neill told Plaintiff John Doe 47 that no one would believe him if he did report the abuse. This conduct caused Plaintiff John Doe 47 to experience great fear, which in turn placed him under duress. Defendant O'Neill also led Plaintiff John Doe 47 to believe that he had met a benevolent and trustworthy male, who cared about him. Defendant O'Neill's sexual advances placed Plaintiff John Doe 47 under powerful psychological duress in that these advances caused Plaintiff to believe that he had to engage in the activity or lose the attention, caring and comfort that Defendant O'Neill otherwise purported to give him. Furthermore, Defendant O'Neill's sexual misconduct and threats, and Defendant Diocese's concealment and/or reckless disregard of such misconduct, placed Plaintiff John Doe 47 under continuing duress in that they caused Plaintiff John Doe 47 to believe that he had no right or reason to complain or to take legal action about it. Plaintiff John Doe 47 continued to be under this duress until Plaintiff John Doe 47 learned that another victim of O'Neill's had come forward. Plaintiff John Doe 47's complaint is therefore timely as to each of the Defendants.

45. Defendant O'Neill's conduct as described above misrepresented and concealed material facts concerning his relationship with and motives in relating to Plaintiff John Doe 47. In particular, Defendant O'Neill presented himself as a beneficent, caring adult male whose intention was to help Plaintiff John Doe 47, when in fact their relationship was to be one of sexual exploitation.

Further, Defendant O'Neill acted with the intent that such conduct be acted upon by Plaintiff John Doe 47 and without knowledge of the real facts. Plaintiff John Doe 47 relied upon Defendant O'Neill's conduct, without knowledge of the real facts, to his detriment. Plaintiff John Doe 47 was, as a result, unaware that the sexual abuse by Defendant O'Neill had caused his injuries. Furthermore, Defendant O'Neill's continuing concealment of his sexual misconduct and his threats that no one would believe Plaintiff John Doe 47 if he told, and Defendant Diocese's intentional concealment of and/or negligent and/or reckless failure to prevent or discover Defendant O'Neill's continuing acts of sexual misconduct, also prevented Plaintiff John Doe 47 from discovering or suing upon the wrongs done to him. Defendants are therefore equitably estopped from asserting the statute of limitations in this action.

46. As a direct result of this sexual contact, Plaintiff John Doe 47 has suffered and continues to suffer great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life, was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life, has sustained loss of earning capacity and may incur expenses for medical and psychological treatment, therapy and counseling. The amount of plaintiff's damages will be fully ascertained at trial.

#### **FACTS APPLICABLE TO JOHN DOE 57**

47. Plaintiff John Doe 57 was raised in a devout Roman Catholic family and served as an altar boy, regularly celebrated mass, received the sacraments and participated in church-related activities. Plaintiff John Doe 57, therefore, developed great admiration, trust, reverence and respect for the Roman Catholic Church and its agents.

48. Plaintiff John Doe 57 came to know Defendant O'Neill as his priest, counselor and

spiritual adviser through Defendant O'Neill's employment and association with Defendant Diocese. Plaintiff John Doe 57 came to know, admire, trust, revere, and respect Defendant O'Neill as a person of great influence and persuasion as a holy man and authority figure.

49. In approximately the summer of 1985, when Plaintiff John Doe 57 was approximately 13 years old, Defendant O'Neill, using his position of authority, trust, reverence, and control as a Roman Catholic priest, engaged in unpermitted and harmful sexual contact upon the person of the Plaintiff John Doe 57 during an overnight outing organized by Defendant O'Neill. Prior to the abuse, Defendant O'Neill befriended Plaintiff John Doe 57, acting in a caring, loving and friendly manner toward Plaintiff John Doe 57.

50. The sexual exploitation and the circumstances under which it occurred caused Plaintiff John Doe 57 to develop various psychological coping mechanisms, including self-blame, denial, repression and disassociation from his experiences. Because of these psychological coping mechanisms, Plaintiff John Doe 57 was unable to perceive or know the existence or nature of his psychological and emotional injuries and their connection to the sexual exploitation perpetrated upon him by Defendant O'Neill. Plaintiff John Doe 57 therefore, experienced delayed discovery of his injuries and their causal relationship to the sexual exploitation, and did not know or have reason to know that he was injured or that his injuries were caused by the sexual exploitation.

51. The applicable statute of limitations was tolled because Defendants' conduct placed Plaintiff John Doe 57 under duress. Defendant O'Neill led Plaintiff John Doe 57 to believe that he had met a benevolent and trustworthy male, who cared about him. Defendant O'Neill's sexual advances placed Plaintiff John Doe 57 under powerful psychological duress in that these advances caused Plaintiff to believe that he had to engage in the activity or lose the attention, caring and



comfort that Defendant O'Neill otherwise purported to give him. Furthermore, Defendant O'Neill's sexual misconduct, and Defendant Diocese's concealment and/or reckless disregard of such misconduct, placed Plaintiff John Doe 57 under continuing duress in that they caused Plaintiff John Doe 57 to believe that he had no right or reason to complain or to take legal action. Plaintiff John Doe 57 continued to be under this duress until Plaintiff John Doe 57 learned that another victim of O'Neill's had come forward. Plaintiff John Doe 57's complaint is therefore timely as to each of the Defendants.

52. Defendant O'Neill's conduct as described above misrepresented and concealed material facts concerning his relationship with and motives in relating to Plaintiff John Doe 57. In particular, Defendant O'Neill presented himself as a beneficent, caring adult male whose intention was to help Plaintiff John Doe 57, when in fact their relationship was to be one of sexual exploitation. Further, Defendant O'Neill acted with the intent that such conduct be acted upon by Plaintiff John Doe 57 and without knowledge of the real facts. Plaintiff John Doe 57 relied upon Defendant O'Neill's conduct, without knowledge of the real facts, to his detriment. Plaintiff John Doe 57 was, as a result, unaware that the sexual abuse by Defendant O'Neill had caused his injuries. Furthermore, Defendant O'Neill's continuing concealment of his sexual misconduct, and Defendant Diocese's intentional concealment of and/or negligent and/or reckless failure to prevent or discover Defendant O'Neill's continuing acts of sexual misconduct, also prevented Plaintiff John Doe 57 from discovering or suing upon the wrongs done to him. Defendants are therefore equitably estopped from asserting the statute of limitations in this action.

53. As a direct result of this sexual contact, Plaintiff John Doe 57 has suffered and continues to suffer great pain of mind and body, shock, emotional distress, embarrassment, loss of

self-esteem, disgrace, humiliation and loss of enjoyment of life, was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life, has sustained loss of earning capacity and may incur expenses for medical and psychological treatment, therapy and counseling. The amount of plaintiff's damages will be fully ascertained at trial.

#### **FACTS APPLICABLE TO JOHN DOE 58**

54. Plaintiff John Doe 58 was raised in a devout Roman Catholic family and regularly celebrated mass, received the sacraments and participated in church-related activities. Plaintiff John Doe 58, therefore, developed great admiration, trust, reverence and respect for the Roman Catholic Church and its agents.

55. Plaintiff John Doe 58 came to know Defendant O'Neill as his priest, counselor and spiritual adviser through Defendant O'Neill's employment and association with Defendant Diocese. Plaintiff John Doe 58 came to know, admire, trust, revere, and respect Defendant O'Neill as a person of great influence and persuasion as a holy man and authority figure.

56. In approximately 1980 or 1981, when Plaintiff John Doe 58 was approximately 15-16 years old, Defendant O'Neill, using his position of authority, trust, reverence, and control as a Roman Catholic priest, engaged in unpermitted and harmful sexual contact upon the person of the Plaintiff John Doe 58 during an overnight outing organized by Defendant O'Neill. Prior to the abuse, Defendant O'Neill befriended Plaintiff John Doe 58, acting in a caring, loving and friendly manner toward Plaintiff Furnish.

57. A few months after being abused Plaintiff John Doe 58 met with Bishop Matthew Clark. During this meeting John Doe 58 told Bishop Clark about Defendant O'Neill's conduct. Bishop Clark, in an effort to wrongfully conceal and induce Plaintiff John Doe 58 not to earlier take

legal action, told Plaintiff John Doe 58 that he would "take care of it."

58. The sexual exploitation and the circumstances under which it occurred caused Plaintiff John Doe 58 to develop various psychological coping mechanisms, including self-blame, denial, repression and disassociation from his experiences. Because of these psychological coping mechanisms, Plaintiff John Doe 58 was unable to perceive or know the existence or nature of his psychological and emotional injuries and their connection to the sexual exploitation perpetrated upon him by Defendant O'Neill. Plaintiff John Doe 58 therefore, experienced delayed discovery of his injuries and their causal relationship to the sexual exploitation, and did not know or have reason to know that he was injured or that his injuries were caused by the sexual exploitation.

59. The applicable statute of limitations was tolled because Defendants' conduct placed Plaintiff John Doe 58 under duress. Defendant O'Neill also led Plaintiff John Doe 58 to believe that he had met a benevolent and trustworthy male, who cared about him. Defendant O'Neill's sexual advances placed Plaintiff John Doe 58 under powerful psychological duress in that these advances caused Plaintiff to believe that he had to engage in the activity or lose the attention, caring and comfort that Defendant O'Neill otherwise purported to give him. Furthermore, Defendant O'Neill's sexual misconduct, and Defendant Diocese's concealment, deceit, assurances and/or reckless disregard of such misconduct, placed Plaintiff John Doe 58 under continuing duress in that they caused Plaintiff John Doe 58 to believe that he had no right or reason to complain or to take legal action. Plaintiff John Doe 58 continued to be under this duress until Plaintiff John Doe 58 learned that another victim of O'Neill's had come forward. Plaintiff John Doe 58's complaint is therefore timely as to each of the Defendants.

60. Defendant O'Neill's conduct as described above misrepresented and concealed

material facts concerning his relationship with and motives in relating to Plaintiff John Doe 58. In particular, Defendant O'Neill presented himself as a beneficent, caring adult male whose intention was to help Plaintiff John Doe 58, when in fact their relationship was to be one of sexual exploitation. Further, Defendant O'Neill acted with the intent that such conduct be acted upon by Plaintiff John Doe 58 and without knowledge of the real facts. Plaintiff John Doe 58 relied upon Defendant O'Neill's conduct, without knowledge of the real facts, to his detriment. Plaintiff John Doe 58 was, as a result, unaware that the sexual abuse by Defendant O'Neill had caused his injuries. Furthermore, Defendant O'Neill's continuing concealment of his sexual misconduct, and Defendant Diocese's deceit and assurances as well as its intentional concealment of and/or negligent and/or reckless failure to prevent or discover Defendant O'Neill's continuing acts of sexual misconduct, also prevented Plaintiff John Doe 58 from discovering or suing upon the wrongs done to him. Defendants are therefore equitably estopped from asserting the statute of limitations in this action.

61. As a direct result of this sexual contact, Plaintiff John Doe 58 has suffered and continues to suffer great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life, was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life, has sustained loss of earning capacity and may incur expenses for medical and psychological treatment, therapy and counseling. The amount of plaintiff's damages will be fully ascertained at trial.

#### **FACTS APPLICABLE TO JOHN DOE 59**

62. Plaintiff John Doe 59 was raised in a devout Roman Catholic family and served as an altar boy, regularly celebrated mass, received the sacraments and participated in church-related activities. Plaintiff John Doe 59, therefore, developed great admiration, trust, reverence and respect

for the Roman Catholic Church and its agents.

63. Plaintiff John Doe 59 came to know Defendant O'Neill as his priest, counselor and spiritual adviser through Defendant O'Neill's employment and association with Defendant Diocese. Plaintiff John Doe 59 came to know, admire, trust, revere, and respect Defendant O'Neill as a person of great influence and persuasion as a holy man and authority figure.

64. In approximately the summer of 1975, when Plaintiff John Doe 59 was approximately 14 years old, Defendant O'Neill, using his position of authority, trust, reverence, and control as a Roman Catholic priest, engaged in unpermitted and harmful sexual contact upon the person of the Plaintiff John Doe 59 during an overnight outing organized by Defendant O'Neill. Prior to the abuse, Defendant O'Neill befriended Plaintiff John Doe 59, acting in a caring, loving and friendly manner toward Plaintiff Furnish.

65. In approximately April of 2002 Plaintiff John Doe 59 reported his abuse to Defendant Diocese. By that time, on information and belief, one or more victims of O'Neill had come forward and made a similar report of abuse by O'Neill to Defendant Diocese. However, when Plaintiff John Doe 59 asked about prior allegations of abuse concerning Defendant O'Neill, Defendant Diocese told Plaintiff John Doe 59 that the first time it had any complaints about O'Neill was after a newspaper article concerning O'Neill's abuse was published in approximately May or April of 2002. Plaintiff John Doe 59 reasonably relied on such misrepresentation to his detriment. At the time of its misrepresentation, Defendant Diocese knew or should have known that prior allegations of abuse concerning Defendant O'Neill had been reported to it.

66. The sexual exploitation and the circumstances under which it occurred caused Plaintiff John Doe 59 to develop various psychological coping mechanisms, including self-blame, denial,

repression and disassociation from his experiences. Because of these psychological coping mechanisms, Plaintiff John Doe 59 was unable to perceive or know the existence or nature of his psychological and emotional injuries and their connection to the sexual exploitation perpetrated upon him by Defendant O'Neill. Plaintiff John Doe 59 therefore, experienced delayed discovery of his injuries and their causal relationship to the sexual exploitation, and did not know or have reason to know that he was injured or that his injuries were caused by the sexual exploitation.

67. The applicable statute of limitations was tolled because Defendants' conduct placed Plaintiff John Doe 59 under duress. Defendant O'Neill also led Plaintiff John Doe 59 to believe that he had met a benevolent and trustworthy male, who cared about him. Defendant O'Neill's sexual advances placed Plaintiff John Doe 59 under powerful psychological duress in that these advances caused Plaintiff to believe that he had to engage in the activity or lose the attention, caring and comfort that Defendant O'Neill otherwise purported to give him. Furthermore, Defendant O'Neill's sexual misconduct, and Defendant Diocese's false statements, concealment and/or reckless disregard of such misconduct, placed Plaintiff John Doe 59 under continuing duress in that they caused Plaintiff John Doe 59 to believe that he had no right or reason to complain or to take legal action. Plaintiff John Doe 59 continued to be under this duress until Plaintiff John Doe 59 learned that another victim of O'Neill's had come forward. Plaintiff John Doe 59's complaint is therefore timely as to each of the Defendants.

68. Defendant O'Neill's conduct as described above misrepresented and concealed material facts concerning his relationship with and motives in relating to Plaintiff John Doe 59. In particular, Defendant O'Neill presented himself as a beneficent, caring adult male whose intention was to help Plaintiff John Doe 59, when in fact their relationship was to be one of sexual exploitation.

Further, Defendant O'Neill acted with the intent that such conduct be acted upon by Plaintiff John Doe 59 and without knowledge of the real facts. Plaintiff John Doe 59 relied upon Defendant O'Neill's conduct, without knowledge of the real facts, to his detriment. Plaintiff John Doe 59 was, as a result, unaware that the sexual abuse by Defendant O'Neill had caused his injuries. Furthermore, Defendant O'Neill's continuing concealment of his sexual misconduct and, Defendant Diocese's false statements, intentional concealment of and/or negligent and/or reckless failure to prevent or discover Defendant O'Neill's continuing acts of sexual misconduct, also prevented Plaintiff John Doe 59 from discovering or suing upon the wrongs done to him. Defendants are therefore equitably estopped from asserting the statute of limitations in this action.

69. As a direct result of this sexual contact, Plaintiff John Doe 59 has suffered and continues to suffer great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life, was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life, has sustained loss of earning capacity and may incur expenses for medical and psychological treatment, therapy and counseling. The amount of plaintiff's damages will be fully ascertained at trial.

#### **FACTS APPLICABLE TO JOHN DOE 60**

70. Plaintiff John Doe 60 was raised in a devout Roman Catholic family regularly celebrated mass, received the sacraments and participated in church-related activities. Plaintiff John Doe 60, therefore, developed great admiration, trust, reverence and respect for the Roman Catholic Church and its agents.

71. Plaintiff John Doe 60 came to know Defendant O'Neill as his priest, counselor and spiritual adviser through Defendant O'Neill's employment and association with Defendant Diocese.

Plaintiff John Doe 60 came to know, admire, trust, revere, and respect Defendant O'Neill as a person of great influence and persuasion as a holy man and authority figure.

72. In approximately the winter of 1978, when Plaintiff John Doe 60 was approximately 13 years old, Defendant O'Neill, using his position of authority, trust, reverence, and control as a Roman Catholic priest, engaged in unpermitted and harmful sexual contact upon the person of the Plaintiff John Doe 60 during an overnight outing organized by Defendant O'Neill. Prior to the abuse, Defendant O'Neill befriended Plaintiff John Doe 60, acting in a caring, loving and friendly manner toward Plaintiff John Doe 60.

73. The sexual exploitation and the circumstances under which it occurred caused Plaintiff John Doe 60 to develop various psychological coping mechanisms, including self-blame, denial, repression and disassociation from his experiences. Because of these psychological coping mechanisms, Plaintiff John Doe 60 was unable to perceive or know the existence or nature of his psychological and emotional injuries and their connection to the sexual exploitation perpetrated upon him by Defendant O'Neill. Plaintiff John Doe 60 therefore, experienced delayed discovery of his injuries and their causal relationship to the sexual exploitation, and did not know or have reason to know that he was injured or that his injuries were caused by the sexual exploitation.

74. The applicable statute of limitations was tolled because Defendants' conduct placed Plaintiff John Doe 60 under duress. Defendant O'Neill also led Plaintiff John Doe 60 to believe that he had met a benevolent and trustworthy male, who cared about him. Defendant O'Neill's sexual advances placed Plaintiff John Doe 60 under powerful psychological duress in that these advances caused Plaintiff to believe that he had to engage in the activity or lose the attention, caring and comfort that Defendant O'Neill otherwise purported to give him. Furthermore, Defendant O'Neill's



sexual misconduct, and Defendant Diocese's concealment and/or reckless disregard of such misconduct, placed Plaintiff John Doe 60 under continuing duress in that they caused Plaintiff John Doe 60 to believe that he had no right or reason to complain or to take legal action. Plaintiff John Doe 60 continued to be under this duress until Plaintiff John Doe 60 learned that another victim of O'Neill's had come forward. Plaintiff John Doe 60's complaint is therefore timely as to each of the Defendants.

75. Defendant O'Neill's conduct as described above misrepresented and concealed material facts concerning his relationship with and motives in relating to Plaintiff John Doe 60. In particular, Defendant O'Neill presented himself as a beneficent, caring adult male whose intention was to help Plaintiff John Doe 60, when in fact their relationship was to be one of sexual exploitation. Further, Defendant O'Neill acted with the intent that such conduct be acted upon by Plaintiff John Doe 60 and without knowledge of the real facts. Plaintiff John Doe 60 relied upon Defendant O'Neill's conduct, without knowledge of the real facts, to his detriment. John Doe 60 was, as a result, unaware that the sexual abuse by Defendant O'Neill had caused his injuries. Furthermore, Defendant O'Neill's continuing concealment of his sexual misconduct, and Defendant Diocese's intentional concealment of and/or negligent and/or reckless failure to prevent or discover Defendant O'Neill's continuing acts of sexual misconduct, also prevented Plaintiff John Doe 60 from discovering or suing upon the wrongs done to him. Defendants are therefore equitably estopped from asserting the statute of limitations in this action.

76. Beginning in approximately 1986, plaintiff John Doe 60 enlisted in the United States Armed Services and has served in the United States Armed Services since. Plaintiff's claims are tolled during Plaintiff's years of military service under the Soldiers and Sailors Relief Act, 50 U.S.C. § 525.

77. As a direct result of this sexual contact, Plaintiff John Doe 60 has suffered and continues to suffer great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life, was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life, has sustained loss of earning capacity and may incur expenses for medical and psychological treatment, therapy and counseling. The amount of plaintiff's damages will be fully ascertained at trial.

**FIRST CAUSE OF ACTION**  
**DEFENDANT O'NEILL -**  
**SEXUAL ABUSE OF PLAINTIFF MARS**

78. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

79. In approximately 1977 or 1978, when Plaintiff Mars was approximately 14 years old, Defendant O'Neill engaged in unpermitted, harmful and offensive sexual contact upon the person of the then minor Plaintiff Mars. As a result, Plaintiff Mars has suffered and will continue to suffer severe and permanent emotional distress, physical manifestations of emotional distress, humiliation, loss of self-esteem, and other psychological injuries; was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life; will incur expenses for medical and psychological treatment, therapy and counseling; and has incurred and will continue to incur loss of income and loss of earning capacity.

80. As a direct result of the sexual abuse, Plaintiff Mars has suffered the injuries and damages as described herein.

**SECOND CAUSE OF ACTION**

**DEFENDANT O'NEILL -**  
**SEXUAL ABUSE OF PLAINTIFF FURNISH**

81. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

82. During approximately 1983 - 1986, at ages 12 - 15, Defendant O'Neill engaged in unpermitted, harmful and offensive sexual contact upon the person of the then minor Plaintiff Furnish. As a result, Plaintiff Furnish has suffered and will continue to suffer severe and permanent emotional distress, physical manifestations of emotional distress, humiliation, loss of self-esteem, and other psychological injuries; was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life; will incur expenses for medical and psychological treatment, therapy and counseling; and has incurred and will continue to incur loss of income and loss of earning capacity.

83. As a direct result of the sexual abuse, Plaintiff Furnish has suffered the injuries and damages as described herein.

**THIRD CAUSE OF ACTION**  
**DEFENDANT O'NEILL -**  
**SEXUAL ABUSE OF PLAINTIFF JOHN DOE 45**

84. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

85. In approximately 1977, at age 16, Defendant O'Neill engaged in unpermitted, harmful and offensive sexual contact upon the person of the then minor Plaintiff John Doe 45. As a result, Plaintiff John Doe 45 has suffered and will continue to suffer severe and permanent emotional distress, physical manifestations of emotional distress, humiliation, loss of self-esteem, and other psychological injuries; was prevented and will continue to be prevented from performing his normal

daily activities and obtaining the full enjoyment of life; will incur expenses for medical and psychological treatment, therapy and counseling; and has incurred and will continue to incur loss of income and loss of earning capacity.

86. As a direct result of the sexual abuse, Plaintiff John Doe 45 has suffered the injuries and damages as described herein.

**FOURTH CAUSE OF ACTION**  
**DEFENDANT O'NEILL -**  
**SEXUAL ABUSE OF PLAINTIFF JOHN DOE 47**

87. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

88. In approximately the summer of 1978 or 1979, at age 13 or 14, Defendant O'Neill engaged in unpermitted, harmful and offensive sexual contact upon the person of the then minor Plaintiff John Doe 47. As a result, Plaintiff John Doe 47 has suffered and will continue to suffer severe and permanent emotional distress, physical manifestations of emotional distress, humiliation, loss of self-esteem, and other psychological injuries; was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life; will incur expenses for medical and psychological treatment, therapy and counseling; and has incurred and will continue to incur loss of income and loss of earning capacity.

89. As a direct result of the sexual abuse, Plaintiff John Doe 47 has suffered the injuries and damages as described herein.

**FIFTH CAUSE OF ACTION**  
**DEFENDANT O'NEILL -**  
**SEXUAL ABUSE OF PLAINTIFF JOHN DOE 57**

90. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this

count.

91. In approximately the summer of 1985, at age 13, Defendant O'Neill engaged in unpermitted, harmful and offensive sexual contact upon the person of the then minor Plaintiff John Doe 57. As a result, Plaintiff John Doe 57 has suffered and will continue to suffer severe and permanent emotional distress, physical manifestations of emotional distress, humiliation, loss of self-esteem, and other psychological injuries; was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life; will incur expenses for medical and psychological treatment, therapy and counseling; and has incurred and will continue to incur loss of income and loss of earning capacity.

92. As a direct result of the sexual abuse, Plaintiff John Doe 57 has suffered the injuries and damages as described herein.

**SIXTH CAUSE OF ACTION**  
**DEFENDANT O'NEILL -**  
**SEXUAL ABUSE OF PLAINTIFF JOHN DOE 58**

93. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

94. In approximately 1980 or 1981, at age 15 or 16, Defendant O'Neill engaged in unpermitted, harmful and offensive sexual contact upon the person of the then minor John Doe 58. As a result, Plaintiff John Doe 58 has suffered and will continue to suffer severe and permanent emotional distress, physical manifestations of emotional distress, humiliation, loss of self-esteem, and other psychological injuries; was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life; will incur expenses for medical and psychological treatment, therapy and counseling; and has incurred and will continue to incur loss of

income and loss of earning capacity.

95. As a direct result of the sexual abuse, Plaintiff John Doe 58 has suffered the injuries and damages as described herein.

**SEVENTH CAUSE OF ACTION**  
**DEFENDANT O'NEILL -**  
**SEXUAL ABUSE OF PLAINTIFF JOHN DOE 59**

96. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

97. In approximately the summer of 1975, at age 14, Defendant O'Neill engaged in unpermitted, harmful and offensive sexual contact upon the person of the then minor John Doe 59. As a result, Plaintiff John Doe 59 has suffered and will continue to suffer severe and permanent emotional distress, physical manifestations of emotional distress, humiliation, loss of self-esteem, and other psychological injuries; was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life; will incur expenses for medical and psychological treatment, therapy and counseling; and has incurred and will continue to incur loss of income and loss of earning capacity.

98. As a direct result of the sexual abuse, Plaintiff John Doe 59 has suffered the injuries and damages as described herein.

**EIGHTH CAUSE OF ACTION**  
**DEFENDANT O'NEILL -**  
**SEXUAL ABUSE OF PLAINTIFF JOHN DOE 60**

99. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

100. In approximately the winter of 1978, at age 14, Defendant O'Neill engaged in

unpermitted, harmful and offensive sexual contact upon the person of the then minor John Doe 60.

As a result, Plaintiff John Doe 60 has suffered and will continue to suffer severe and permanent emotional distress, physical manifestations of emotional distress, humiliation, loss of self-esteem, and other psychological injuries; was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life; will incur expenses for medical and psychological treatment, therapy and counseling; and has incurred and will continue to incur loss of income and loss of earning capacity.

101. As a direct result of the sexual abuse, Plaintiff John Doe 60 has suffered the injuries and damages as described herein.

**NINTH CAUSE OF ACTION**  
**DEFENDANT DIOCESE - NEGLIGENCE (ALL PLAINTIFFS)**

102. Plaintiffs incorporate all paragraphs of this complaint as if fully set forth under this count.

103. Defendant Diocese knew or should reasonable have known of Defendant O'Neill's dangerous and exploitative propensities as a child sexual exploiter and/or as an unfit agent and despite such knowledge, Defendant Diocese negligently continued to employ Defendant O'Neill in a position of trust and authority as a priest, where he was able to commit the negligent and wrongful acts against Plaintiffs set forth herein. Defendant Diocese failed to provide reasonable supervision of Defendant O'Neill.

104. As a direct result of Defendant Diocese's negligent conduct, Plaintiffs have suffered the injuries and damages described herein.

**TENTH CAUSE OF ACTION**  
**DEFENDANT DIOCESE - FIDUCIARY FRAUD (ALL PLAINTIFFS)**

105. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

106. As a result of Plaintiffs being minors, and by Defendant Diocese undertaking the care and guidance of the then vulnerable minor Plaintiffs, Defendant Diocese held a position of empowerment over Plaintiffs.

107. Further, Defendant Diocese, by holding itself out as a shepherd and leader of the Roman Catholic Church, solicited and/or accepted this position of empowerment. This empowerment prevented the then minor Plaintiffs from effectively protecting themselves and Defendant Diocese thus entered into a fiduciary relationship with Plaintiffs.

108. As a fiduciary to Plaintiffs, Defendant Diocese had a duty to obtain and disclose information relating to sexual misconduct of Defendant O'Neill.

109. Defendant Diocese misrepresented, concealed and/or failed to disclose information relating to sexual misconduct of Defendant O'Neill.

110. Defendant knew that it misrepresented, concealed and/or failed to disclose information relating to sexual misconduct of Defendant O'Neill.

111. Plaintiffs justifiably relied upon Defendant for information relating to sexual misconduct of Defendant O'Neill.

112. Upon information and belief, Defendant intended to conceal or fail to disclose information relating to the sexual misconduct of Defendant O'Neill.

113. As a direct result of Defendant Diocese's fraud, Plaintiffs have suffered, and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; were prevented and will continue to be prevented from performing their daily activities and obtaining the

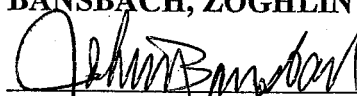


full enjoyment of life; have sustained loss of earnings and earning capacity; and/or have incurred and/or will incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiffs demand judgment against Defendants individually, jointly and severally in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys fees, interest, and such other relief that the Court deems just and equitable.

<sup>October</sup>  
Date: ~~August 28~~, 2002

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